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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,185	09/07/2001	Declan Patrick Kelly	PHNL 000018	9430

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EXAMINER

VENT, JAMIE J

ART UNIT PAPER NUMBER

2621

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,185

Applicant(s)

KELLY ET AL.

Examiner

Jamie Vent

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: Examiner notes that Claim 6 is not found in the application. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dieterich et al (US 6,208,643) in view of Miyazawa (US 6,542,518).

[claim 1]

In regard to Claim 1, Dieterich et al discloses a method of generating timestamps of a received real time sequence of information signal packets (TS packet) comprising an information, such as MPEG2 Transport Stream packets, the serial sequence comprising at intervals of multiple information signal packets, Program Clock Reference (PCR) information for locking a local System Time Counter (STC) with the Program Clock Reference (PCR) information, the method comprising:

- determining the packet arrival time of each packet using a packet arrival time counter derived from the local System Time Counter (STC) (Column 2 Lines 45+ describes the determination of packet arrival time);

- setting the packet arrival time counter at an arbitrary value before receiving a first information signal packet (Column 9 lines 65+ through Column 10 Lines 1-5 describes the setting of the packet arrival time counted);
- determining the number of counts of the local System Time Clock Counter (STC) subtracting this number from the Program Clock Reference (PCR) value to retrieve a System Time Counter start value (STC-start) (Column 2 Lines 30+ describes the determination of number of counts of the STC through the subtraction of variables; however fails to disclose appending a corresponding Packet Arrival Timestamp (PAT) to received information signal packets and temporally storing the Packet Arrival Timestamp (PAT) of the first information signal packet of the sequence and of the first information signal packet comprising Program Clock Reference (PCR) information.

Miyazawa discloses a system wherein the information corresponding to the PAT is received, stored, and used in determining information in regards to the timestamp as disclosed in Column 13 Lines 44+ through Column 14 Lines 16-47. The ability to use PAT for timestamp processing provides a more accurate determination of information of the data stream. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of generating timestamps, as disclosed by Dieterich et al, and further incorporate the use of PAT to determine time stamps, as disclosed by Cloutier et al.

[claim 2]

In regard to Claim 2, Dieterich et al discloses a method according to claim 1, describes the method of generating time stamps; however, fails to disclose the received information signal packets with the appended Packet Arrival Time Stamps (PAT) are stored on a recording medium, wherein, in addition the System Time Counter start value (STC-start) is stored as an attribute of the stored sequence. Miyazawa discloses a system wherein the information corresponding to the PAT is received, stored, and used in determining the start value that is stored on the data stream as disclosed in Column 13 Lines 44+ through Column 14 Lines 16-47. The ability to use PAT for timestamp processing provides a more accurate determination of information of the data stream. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of generating timestamps, as disclosed by Dieterich et al, and further incorporate the use of PAT to determine time stamps, as disclosed by Cloutier et al.

[claims 3 & 5]

In regard to Claim 3, Dieterich et al discloses a method of reproducing a stored real time sequence of information signal packets (TS) comprising A/V information as previously recited in Claim 1, the method comprising:

- running a packet arrival time counter derived from a local System Time Counter (STC (Column 9 Lines 65+ through Column 10 lines 1-5 describes the running of the packet arrival time counter);

- locking the local System Time Counter (STC) to retrieved Program Clock Reference (PCR) information (Column 6 Lines 9+ describes the locking of the STC to retrieve the PCR information);
- temporally storing a number of retrieved information signal packets (Column 4 Lines 48-52 describes the storing of number that are retrieved from the information signal);

[claim 4]

In regard to Claim 4, Dieterich et al discloses a method according to claim 3, characterized by, inserting Program Clock Reference (PCR) information corresponding to the System Time Counter start value (STC-start) (Column 2 Lines 34-62 describes the inserting of the program clock reference information that corresponds to the system time counter).

[claim 7]

In regard to Claim 7, Dieterich et al discloses an apparatus for recording a real time sequence of information signal packets (TS packet) comprising A/V information as previously recited in Claim 1, wherein on a record carrier, the serial sequence comprising at intervals of multiple information signal packets, Program Clock Reference (PCR) information for locking a local System Time Counter (STC) with the Program Clock Reference (PCR) information, the apparatus comprising:

- receiving means for receiving the information signal packets (Figure 1 shows the receiving means as described in Column 3 Lines 39-50);

- time stamp generating means for generating a time stamp corresponding to an arrival time of the information signal packets (Column 4 Lines 50+ describes the time stamp generating means for the arrival time of information signal packets);
- writing means for recording the generated time stamps and information signal packets on the record carrier, the time stamp generating means provided with a system time counter locked to the received program clock reference (PCR) information, the apparatus characterized in that, (Column 4 Lines 50+ describes the writing of the generated time stamps on the information signal packet);
- the time stamp generating means are adapted to generate time stamps (Column 5 Lines 1-16 describes the time stamp generator).

[claim 8]

In regard to Claim 8, Dieterich et al discloses an apparatus for reproducing a real time sequence of information signal packets (TS packet) comprising A/V information, such as MPEG2 Transport Stream Packets, recorded on a record carrier with the method as previously recited in Claim 1, the apparatus comprising:

- reading means for reading the information signal packets recorded on the record carrier (Figure 2 the microprocessor reads the information signal packets as further described in Column 4 Lines 10+);
- storing means for temporarily storing a number of information signal packets read from the record carrier (Figure 2 shows storing onto FIFO);

- time stamp generation means comprising a Packet Arrival Time counter derived from a local System Time Counter (STC) (Figure 2 shows time stamp generation as further described in Column 4 lines 50+);
- comparator means for comparing a stored time stamp of an information signal packet with the generated Packet Arrival Time value (Figure 3 shows the comparator as further described in Column 5 Lines 49+);
- outputting an information signal packet from the storing means when a Packet Arrival Time Counter value coincides with the corresponding time stamp (Figure 3 shows the outputting of information signal packet)

[claim 9]

In regard to Claim 9, Dieterich et al discloses a method of storing a real time sequence of information signal packets comprising A/V information, such as MPEG 2 Transport Stream Packets, on a record carrier, the sequence comprising Program Clock Reference (PCR) information for locking a local System Time Counter (STC), Presentation Time Stamp (PTS) information for determining the presentation time of the information comprised in the information signal packets (Column 2 Lines 17+), Decoding Time Stamp (DTS) information for determining the decoding time of the information comprised in the information signal packets, and Packet Identification (PID) mapping information, the method comprising adding mark points at specific entry points in the sequence, such as I-frames in MPEG2, characterized by, storing in addition to a mark point one or more of the following information entities: Program Clock Reference (PCR) information, Presentation Time Stamp (PTS) information,

Decoding Time Stamp (DTS) information, and Packet Identification (PID) mapping information (Figure 10 as further described in Column 15 Lines 53+ through Column 16 Lines 16-37).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cloutier et al (US 5,805,602).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJV


THAI TRAN
PRIMARY EXAMINER